

Panaji, 14th May, 2009 (Vaisakha 24, 1931)

SERIES II No. 7

# OFFICIAL GAZETTE



# GOVERNMENT OF GOA

## GOVERNMENT OF GOA

### Department of Co-operation

Office of the Registrar of Co-operative Societies

#### Order

No. 67/5/2004/TS/RCS/Vol.II/244

Read: 1) Interim Order No. ARCS/CZ/Cons./ADM/92 dated 1-12-2008 received from the Asstt. Registrar of Co-op. Societies, Central Zone, Panaji.

By virtue of powers vested in me under Section 93 (1) of Goa Co-operative Societies Act, 2001, I, P. K. Patidar, Registrar of Co-operative Societies, Government of Goa, hereby appoint Shri V.J. Parab, Jr. Auditor, Co-op. Societies, Central Zone, Panaji as a Liquidator of the Cidade de Goa Employees Pariwar Consumers Co-op. Society Ltd., Dona Paula, Goa with immediate effect.

*P. K. Patidar*, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 4th May, 2009.

#### Order

No. 42/4/2008/TS/RCS/223

Read: 1) Government Order No. 42/4/90/TS dated 29-02-2008.  
2) Government Notification No. 42-7-2008/TS/RCS published in the Extraordinary Official Gazette No. 3 Series I dated 22-01-2008.  
3) Government Notification No. 42-7-2008/TS/RCS published in the Extraordinary

Official Gazette No. 3 Series I dated 20-03-2009.

In supersession of the order at Sr. No. 1 above and in exercise of the powers conferred by Section 4 of the Goa Co-operative Societies Act, 2001 (hereinafter referred to as said Act), the Government is pleased to confer the powers of the Registrar under the said Act and the Goa Co-operative Societies (Amendment) Act, 2009 and Rules made thereunder as indicated in the Column (2) of the schedule on the Officers specified in Column 1 of the schedule.

#### SCHEDULE

Officers	Powers
1	2
1 Deputy Registrar of Co-op. Societies.	All the powers of the Registrar under the said Act and Rules made thereunder except powers under: (c) Sections: 4(1), 10(3), 40, 48, 55(g), 63(3), 66(1), 67(A), 67(A)(2), 68(1), 68(2), 68(3), 69(a), 71(1)(a), 71(1)(b), 71(1)(c), 71(2), 71(4), 71(5), 74(1), 74(2), 74(4), 74(6), 74(7), 76(1), 77(2), 79, 100, 114, 115, 116, 117, 123, 126(A) and 127. (d) Rules: 3, 43, 52(a), 52(g)(i), (ii) & (iv), 52(h), 52(j), 53(3), 114, 126, 129(10), 130, 137 and 138.

1	2
2 The Asstt. Registrar of Co-op. Societies (HQ), Panaji.	All the powers of the Registrar under the said Act and Rules made thereunder except powers under:
3 The Asstt. Registrar of Co-op. Societies, (Audit), Panaji.	
4 The Asstt. Registrar of Co-op. Societies (Central Zone), Panaji.	(a) Sections: 4(1), 10(3), 40, 48, 55(g), 63(3), 66(1), 67(A), 67(A)(2), 68(1), 68(2), 68(3), 69(a), 71(1)(a), 71(1)(b), 71(1)(c), 71(2), 71(4), 71(5), 74(1), 74(2), 74(6) & 74(7), 76(1), 77(2), 79, 82, 100, 114, 115, 116, 117, 123, 126(A) and 127.
5 The Asstt. Registrar of Co-op. Societies (North Zone), Mapusa.	
6 The Asstt. Registrar of Co-op. Societies (South Zone), Margao.	(b) Rules: 3, 43, 52(a), 52(b), 52(d), 110(4), 114, 126, 129(10), 130, 137 and 138.
7 The Asstt. Registrar of Co-op. Societies (Dairy), Panaji.	
8 The Asstt. Registrar of Co-op. Societies, (HQ II), Camp Court, The Madgaum Urban Co-op. Bank Ltd., Margao-Goa.	
9 The Asstt. Registrar of Co-op. Societies, (HQ III), Camp Court, The Goa Urban Co-op. Bank Ltd., Panaji-Goa.	
10. The Asstt. Registrar of Co-op. Societies, Election Cell, North Goa District, Panaji-Goa.	
11. The Asstt. Registrar of Co-op. Societies, Election Cell, South Goa District, Panaji-Goa.	

By order and in the name of the Governor of Goa.

*P. K. Patidar*, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 30th April, 2009.

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**Department of Finance**  
Revenue and Control Division  
Directorate of Accounts

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**Order**

No. DA/Admn/46-2(81)/09-10/TR-237/07

Government is pleased to accept the notice of Voluntary Retirement dated 27-08-2008 tendered by Shri Amit B. Naik, Assistant Accounts Officer under Rule 48-A (3-A) (a) of CCS (Pension) Rules, 1972 w.e.f. 15-11-2008 (forenoon) by curtailing the three months notice period.

Shri Amit B. Naik, Assistant Accounts Officer stands retired from service w.e.f. 15-11-2008 forenoon.

By order and in the name of the Governor of Goa.

*Rajan V. S. Kunkolienkar*, Director of Accounts.

Panaji, 29th April, 2009.

## Department of Labour

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Order

No. 28/16/2008-LAB/461

Whereas there exists an industrial dispute between the management of M/s. Kundil Alloys Private Limited, Kundaim, and it's workmen represented by the Gomantak Mazdoor Sangh (hereinafter referred to as the "said dispute");

And whereas the Conciliation Officer investigated the said dispute and all matters affecting the merits and right settlement thereof and he is of the opinion that settlement could not be arrived at;

And whereas the Conciliation Officer vide letter No. IRM/CON/PON/(9)/08/518 dated 24-4-2008 submitted his report of failure of conciliation proceedings under sub-section (4) of Section 12 of the Industrial Disputes Act, 1947 (14 of 1947), in respect of the said dispute, to the Government (hereinafter referred to as the 'said Report');

And whereas the said Report has been considered by the Government of Goa and the Government of Goa does not consider it expedient to refer the said dispute for adjudication to the Industrial Tribunal on the following grounds:-

- (1) That the Union does not represent a substantial number of workmen;
- (2) That the non-members in absolute majority are not interested in the dispute;
- (3) That the instant case cannot be considered as a collective dispute;
- (4) That the Union does not even fulfill the criteria for recognition;
- (5) That the dispute does not affect the larger group of workmen;

Now therefore, in exercise of the powers conferred by sub-section (5) of Section 12 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of Goa hereby refuses to refer the said dispute for adjudication to the Industrial Tribunal on the grounds stated above.

By order and in the name of the Governor of Goa.

*B. S. Kudalkar*, Under Secretary (Labour).

Panaji, 4th May, 2009.

## Order

No. 28/17/2008-LAB/466

Whereas there exists an industrial dispute between the management of M/s. Kundil Rolling Mills, Private Limited, Kundaim, and it's workmen represented by the Gomantak Mazdoor Sangh (hereinafter referred to as the "said industrial dispute");

And whereas the Conciliation Officer investigated the said dispute and all matters affecting the merits and right settlement thereof and he is of the opinion that settlement could not be arrived at;

And whereas the Conciliation Officer vide letter No. IRM/CON/PON/(9-A)/08/521 dated 24-4-2008 submitted his report of failure of conciliation proceedings under sub-section (4) of Section 12 of the Industrial Disputes Act, 1947 (14 of 1947), in respect of the said dispute, to the Government (hereinafter referred to as the 'said Report');

And whereas the said Report has been considered by the Government of Goa and the Government of Goa does not consider it expedient to refer the said dispute for adjudication to the Industrial Tribunal on the following grounds:-

- (1) That the Union does not represent a substantial number of workmen;
- (2) That the non-members in absolute majority are not interested in the dispute;
- (3) That the instant case cannot be considered as a collective dispute;
- (4) That the Union does not even fulfill the criteria for recognition;
- (5) That the dispute does not affect the larger group of workmen;

Now therefore, in exercise of the powers conferred by sub-section (5) of Section 12 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of Goa hereby refuses to refer the said dispute for adjudication to the Industrial Tribunal on the grounds stated above.

By order and in the name of the Governor of Goa.

*B. S. Kudalkar*, Under Secretary (Labour).

Panaji, 4th May, 2009.

**Notification**

No. 28/1/2009-IAB/329

The following award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa on 06-02-2009 in reference No. IT/26/04 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*B. S. Kudalkar*, Under Secretary (Labour).

Porvorim, 17th March, 2009.

IN THE INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT  
AT PANAJI

(Before Anuja Prabhudessai, Presiding Officer)

Ref. No. IT/26/04

Shri Vidhyadhar T. Dessai,  
Rep. by Kadamba Kamgar Union,  
T-1, Sindhur Bldg.,  
Opp. Dayanand Smruti Bldg.,  
Panaji, Goa. ... Workman/Party I  
V/s  
M/s. Kadamba Transport  
Corporation Ltd.,  
Panaji, Goa. ... Employer/Party II  
Workman/Party I is represented by Adv. A.  
Kundaikar.

Employer/Party II is represented by Adv. C. J. Mane.

A WARD

(Passed on this 6th day of February, 2009)

By order dated 6-8-04, the Government of Goa has referred the following dispute for adjudication of this Tribunal.

- "(1) Whether the demand of Kadamba Kamgar Union for regularization of services of Shri Vidhyadhar T. Dessai, Badge No. 1606, driver on completion of 240 days of continuous service, is legal and justified?
- (2) If not, to what relief the workmen are entitled?"

2. On receipt of the said reference IT/26/04 was registered. Notices were issued to both parties.

The Party I has filed its claim statement at Exb. 4. The Party II filed its written statement at Exb. 6. The rejoinder is at Exb. 7.

3. It is not in dispute that pursuant to the advertisement issued by the employer in the local newspapers, the workmen involved in this reference had applied for the post of a driver and he was selected as a heavy vehicle driver. The Party I union has stated that the workman named in the reference was appointed by order dated 31-7-2000 as a substitute driver on daily wages at the rate of Rs. 100/- per day w.e.f. 16-8-2000. He was appointed against an existing vacancy and was recruited for permanent work. The services of the said driver was regularized w.e.f. 1-1-2004 in pay scale of Rs. 3050-75-3950-80-4500. The contention of the Party I is that the advertisement issued in the local daily clearly stated that the initial appointment was for three months and that thereafter it would be made on regular basis, subject to the satisfactory performance. The Party I has stated that the services of this driver was required to be regularized on completion of continuous service of 240 days. The Party I has claimed that the concerned driver has sustained monetary loss on account of the delay in regularizing of his services. The Party I has stated that the driver named in the reference is entitled for regularization of services on completion of 240 days of continuous service, with pay scale of Rs. 3050-75-3950-80.

4. The Party II has stated that the appointment of the driver was necessitated on account of temporary increase in the workload. The Party II has stated that the services of this workmen were regularized depending upon availability of posts and on the basis of satisfactory work performance. The Party II has denied that it has indulged in unfair labour practice or victimization. The Party II has denied that the services of the said driver had to be regularized on completion of 240 days of continuous service.

5. Based on the aforesaid pleading following issues were framed:

- 1 Whether the demand of the Party I/Union proves that its demand for regularisation of service of the workman, Shri Vidhyadhar T. Dessai on completion of 240 days of continuous service is legal and justified?
- 2 Whether the workman, Shri Vidhyadhar T. Dessai is entitled to any relief?
- 3 What Award?

6. Learned advocate, Shri Kundaikar has argued that pursuant to the advertisement issued by the Party II, several drivers were appointed on permanent basis. He has argued that some of these drivers were regularized in June, 2001 while the driver named in this reference was regularized subsequently. He has argued that the driver involved in this reference was entitled for regularization on completion on 240 days. He has argued that the action of the Party II to keep this driver as daily wage for such long period amounts to unfair labour practice. He has also argued that this driver has sustained monetary loss on account of the delay in regularization.

7. Learned Adv., Shri Mane has argued on behalf of the Party II Corporation. He has argued that the said driver was appointed on daily wages due to temporary increase in the workload. He has argued that though these drivers were appointed on daily wages, they were given all benefits which were given to the permanent employees and that their services have been regularized depending upon the availability of posts and satisfactory work performance. He has argued that the said driver is not entitled for regularization on completion of 240 days of service. I have perused the records and considered the arguments advanced by the respective parties and my findings on the issues are as under.

8. *Issue No. 1:* It is not in dispute that the Party II had issued an advertisements in local dailies at Exb. 20 and 21 stating that it required heavy vehicle drivers and conductors. The advertisement at Exb. 20 was issued in 1999 whereas the advertisement at Exb. 21 was issued in the year 2000. The advertisement at Exb. 20 stated initially the appointment would be on daily wages for three months and thereafter would be made on regular basis subject to satisfactory performance. However, there was no such stipulation in the advertisement at Exb. 21. The evidence of Avinash Rawal, the President of the union indicates that the driver involved in this reference was appointed w.e.f. 16-8-00. The appointment order at Exb. 22 also indicates that the said driver was appointed w.e.f. 16-8-00. It is thus evident that this driver was appointed pursuant to the advertisement at Exb. 21. AW -1 Avinash Rawal has deposed that service of this driver was regularized w.e.f. 1-1-2004 in the pay scale of Rs. 3050-75-3950-80-4590. He has deposed that the driver named in the reference was entitled for regularization on completion of 240 days of continuous service. He has stated that the said

driver was appointed on regular vacancy and that he was recruited on permanent job and that to deny regularization and keep him on daily wages perpetually is unjust and arbitrary and amounts to unfair labour practice. He has deposed that the driver was deprived of the monetary benefit on account of delay in regularization.

9. It may be mentioned here that AW1 Avinash Rawal had denied that the said driver was not appointed on the existing vacancy. The witness has also denied that no assurance was given by the management either in the advertisement or otherwise that the services of this driver would be regularized on completion of continuous service of three months. He has also denied that the said driver and some other drivers were appointed on daily wages due to increase in workload and growing absenteeism. He has also denied the suggestion that the said driver was regularized as and when there was a regular vacancy. It is however to be noted that the second witness of the Party I, Shri Andrew Lopes has admitted in his cross examination that the Party II had appointed temporary drivers on account of pressure of work. He has admitted that some of these drivers were regularized in different batches. The witness No. 2 Andrew Lopes has also admitted in his cross examination that the Party II had not assured these drivers at the time of their appointment that their services would be regularized on completion of 240 days of continuous service. The evidence of this witness clearly fortifies the case of the Party II that the driver involved in this reference and some others were appointed on daily wages only due to exigencies of work and consequently the evidence of AW2 Andrew Lopes belies the contention of the AW1 Avinash Rawal that these drivers were appointed on existing vacancies.

10. It is also to be noted that though the Party I has stated that these drivers were entitled for regularization on completion of service of 240 days, he has not produced any evidence to show that the Party II had undertaken to regularize his services on completion of service of 3 months or 240 days. It is pertinent to note that the workman involved in this reference was appointed pursuant to the advertisement at Exb. 21. The advertisement at Exb. 21 does not indicate that the Party II had assured to regularize the services of the said drivers on completion of service of three months or 240 days. The Party II has also produced the appointment order (Exb. 22) issued to the driver named in this reference and other drivers. This

order clearly indicates that drivers including the driver named in this reference were appointed as a substitute drivers on daily wages. The said appointment order also indicates that the appointment was necessitated due to the temporary increase in work and that the services are liable to be terminated at any time during the temporary period of employment without assigning any reason. The evidence of Shri Anand Shirvoikar, the witness for the Party II, also indicates that these drivers were taken on daily wages only because of increase in work which was mainly because of absenteeism of regular drivers. The appointment order at Exb. 22 viz-a-viz the evidence of Shri Anand Shirvoikar clearly indicates that the said driver was appointed purely on temporary basis. This being the case it is evident that the driver named in this reference was not appointed on regular vacancy but was appointed as temporary workman within the meaning of Clause 3 (c) of the Certified Standing Orders of the Corporation.

11. It is to be noted that since the said driver was a temporary workman he had no right to the post and he was not entitled for regularization of his services merely because he had completed 240 days of continuous services. Even otherwise Section 25F of the Industrial Disputes Act does not stipulate regularization of services on completion of 240 days. In the case of *Gangadhar Pillai v/s Siemens Ltd., 2007 (1) SCC 533*, the apex court has held that *"It is not the law that on completion of 240 days of continuous service in a year, the concerned employee becomes entitled to for regularization of his services and/or permanent status. The concept of 240 days in a year was introduced in the industrial law for a definite purpose. Under the Industrial Disputes Act, the concept of 240 days was introduced so as to fasten a statutory liabilities upon the employer to pay compensation to be computed in the manner specified in Section 25F of the Industrial Disputes Act, 1947 before he is retrenched from services and not for any other purpose. In the event a violation of the said provision takes place, termination of services of the employee may be found to be illegal, but only on that account, his services cannot be directed to be regularized."* Similarly in the case of *Mehboob Deepak v/s Nagar Panchayat Gajrauta and reported in 2008 (1) SCC 575* and the case of *Branch Manager, M.P. State Agro Industries*

*Development Corporation Ltd., and Another v/s S.C. Pandey reported in 2006 (II) SCC 716* and *M.P. Housing Board v/s Manoj Shrivastava (2006) 2 SCC 702* the apex court has reiterated that only because the employee has been working for more than 240 days he does not derive any legal right to be regularized in service.

12. Thus the principles laid down in the aforesaid decisions are sufficient to negate the contention of the Party I that the said driver was entitled for regularization on completion of 240 days of continuous service. The evidence of the witness for the Party II clearly indicates that though the said driver was appointed as temporary driver he was given all benefits which are given to the permanent drivers and that the services of the said driver were regularized as and when the vacancy arose and on considering the work performance of the said driver. This being the case there is no substance in the contention of the Party I that the Party II had indulged in victimization or unfair labour practice. Hence the issue No. 1 is answered in negative.

13. *Issue No. 2:* Since the driver named in the reference was not entitled for regularization in service on completion of 240 days of continuous service he is not entitled for any relief as claimed. Under the circumstances and in view of discussion supra, I pass the following order.

#### ORDER

The demand of Kadamba Kamgar Union for regularization of the services of the workman, Shri Vidhyadhar T. Dessai on completion of 240 days of continuous service is not legal and justified. The said workman/driver is not entitled for any relief.

No order as to costs. Inform the Government accordingly.

Sd/-  
(A. Prabhudessai),  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court-I.

#### Notification

No. 28/1/2009-LAB/318

The following award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa on

16-02-2009 in reference No. IT/69/07 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*B. S. Kudalkar*, Under Secretary (Labour).

Porvorim, 17th March, 2009.

IN THE LABOUR COURT-II  
GOVERNMENT OF GOA  
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble  
Presiding Officer)

Case No. Ref. IT/69/07

Shri Damodar Naik, ... Workman/Party I  
Rep. by Goa Trade &  
Commercial Workers' Union,  
Velho Building, 2nd Floor,  
Panaji-Goa.

V/s

National Insurance Co. ... Employer/Party II  
Ltd. (Goa Div.),  
Diamond Chambers, 2nd Floor,  
Opp. Susheela Building,  
Panaji-Goa.

Party I/Workman is represented by Adv. Suhas Naik.

Party II/Employer is represented by Adv. M. Pereira.

Panaji, dated : 16-02-2009.

A WARD

1. In exercise of the powers conferred by Clause (c) of the sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa by order dated 25-09-2006 bearing No. 28/35/2006-LAB/673 referred the following dispute for adjudication of this Labour Court-II.

SCHEDULE

"(1) Whether Shri Damodar Naik, Caretaker, can be construed as "workman" as per Clause (s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?

(2) If the answer to the issue No. (1) above is in the affirmative, then, whether the action of M/s. National Insurance Company

Limited (Goa Division), Panaji, Goa, in terminating the services of Shri Damodar Naik, Caretaker, with effect from 01-07-2001 is legal and justified?

(3) If the answer to issue No. (2) above is in the negative, then, what relief the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. IT/69/07 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short "workman") filed his statement of claim at Exhibit 7. The facts of the case in brief as pleaded by the workman are that he was employed with the Employer/Party II (for short "Employer") at its holiday home "Roopali" situated at Bandothkar Marg, Near Youth Hostel, Miramar, Panaji-Goa since the year 1987 as a Sweeper/Helper and was assigned the jobs to clean and sweep and look after the day-to-day maintenance of the Guest House of the employer. He stated that he was also giving the services of all types to the employer at the above guest house besides his regular cleaning, sweeping and maintenance of the guest house. He contended that the employer was paying him monthly salary every month in the first week of every succeeding month. He contended that the supervision and control over the work of the workman was done by the employer. He contended that he worked continuously with the above employer right from the date of his appointment till the date of his termination. He contended that he was also signing the attendance register which is presently in the possession of the employer. He contended that the employer suddenly on 01-07-2001 terminated his services orally without assigning any justified reason of whatsoever nature. He submitted that the above termination of his services is illegal, unjustified and bad-in-law. He stated that being aggrieved, he raised an Industrial Dispute before the office of the Labour Commissioner on 10-01-2001 demanding immediate re-instatement and back wages. That the conciliation proceedings held by the Conciliation Officer ended in failure. The workman contended that the action of the employer in terminating his services with effect from 01-07-2001 is illegal, unjustified and bad in law and hence he is entitled to re-instatement in service with full back wages.

3. The employer filed written statement at Exhibit 9A. The employer stated that the Party I cannot be construed to be his workman as he was never appointed by her as a caretaker or in any

other capacity at any time. She stated that she had no connection or relation with the workman as an employer or any other nature and that she did not pay any remuneration or salary to him at any time. She stated that she also did not terminate the services of the workman as he was never in its service. She denied that she had employed the workman at Holiday Home "Roopali" situated at Bandodkar Marg, Miramar, Panaji-Goa. She contended that the said holiday home held and managed by a Co-operative Society and not by her. She contended that the workman was never employed as Sweeper/Helper or for any other jobs by her and that the workman never rendered any services to her. She denied the case as pleaded by the workman and prayed that the claim of the workman be rejected.

Thereafter an opportunity was given to the workman to file rejoinder, however, the Id. Adv. Suhas Naik appearing for the workman, submitted that he does not wish to file rejoinder.

4. On the basis of pleadings of the respective parties issues were framed at Exhibit 10 and thereafter the case was adjourned for the evidence of the workman.

On 20-01-2009, the Id. Adv. Suhas Naik representing the workman files an application dated 20-01-2009 at Exhibit 12 duly signed by Shri R. D. Mangueshkar, General Secretary, Goa Trade & Commercial Workers' Union stating that in the above referred matter, the dispute was raised by the Goa Trade & Commercial Workers' Union in the matter of illegal termination of the services of the workman, however, when the case came up for hearing, the workman has failed to remain present in the Union office, inspite of the Union's best efforts. He stated that the Union also does not have the residential address of the workman to send him a written communication or notice of withdrawal and as such in the absence of the workman, the Union is unable to proceed further with the case and tender evidence in defence, hence due to the failure of the workman to remain present in the Union Office and to pursue his case and also failure to attend court proceedings, the Union is unable to lead further evidence in the matter and hence prayed that necessary orders be passed.

I have gone through the records of the case carefully and it is observed that the present dispute of the workman pertaining to his illegal termination is espoused by the Goa Trade & Commercial Workers' Union. It is also observed that the claim

statement is signed by Shri R. D. Mangueshkar, General Secretary, Goa Trade & Commercial Workers' Union. The said Shri R. D. Mangueshkar, General Secretary, Goa Trade & Commercial Workers' Union vide his application dated 20-01-2009 at Exhibit 12 express his inability to lead evidence in the absence of the workman and prayed for passing of the Order.

The workmen alleged that the employer have terminated his services and the validity of the Termination Order was challenged by the workman by raising an Industrial Dispute. The State Government at the instance of the workman referred the dispute for adjudication to the Labour Court. It was thus incumbent for the workman to have appeared and substantiate his allegation that the termination was not valid or legal. The proceedings before the Labour Court or Industrial Tribunal are judicial in nature, even though the Indian Evidence Act does not apply to the proceedings, but principle underlying the said Act is applicable to the proceedings before the Labour Court. In a judicial proceedings if no evidence is produced the party challenging the validity of the order must fail. It is well settled law that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced, the party invoking jurisdiction of the Court must fail. Whenever the workman raises a dispute challenging the validity of the termination of services it is imperative for him to file claim statement before the Labour Court setting out grounds on which the Order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file claim statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief. In this case, the Government of Goa has referred dispute to the Labour Court-II at the instance of the aggrieved workman, i.e. the Party I. Burden lies on the Party I to set out the grounds challenging the validity of Termination Order and to prove that the Termination Order is illegal. In the present case, the Union GT & CWU, has espoused the dispute, however, expressed their inability to lead evidence due to the failure of the workman to remain present in their office and hence there is no material before this court for recording a finding as to the status



of the workman and that the Order of Termination passed by the Party II/Employer is illegal, unjustified and bad in law. In the absence of evidence, the court has no other option rather than to hold the Order of Termination legal. With this I proceed to adjudicate the dispute by passing Order as follows:

## ORDER

- 1 It is hereby adjudicated that Shri Damodar Naik, Caretaker, cannot be construed as "workman" as per Clause (s) of Section 2 of the Industrial Disputes Act, 1947.
- 2 It is hereby adjudicated that in the absence of evidence, the action of M/s. National Insurance Company Limited (Goa Division), Panaji-Goa, in terminating the services of Shri Damodar Naik, Caretaker, with effect from 01-07-2001 is legal and justified does not survive.
- 3 It is hereby adjudicated that the Party I/ Workman is not entitled to any relief.
- 4 No order as to costs.
- 5 The award be submitted to the Government of Goa as per provisions contained in Section 15 of the Industrial Disputes Act, 1947.

Sd/-

(Suresh N. Narulkar),  
Presiding Officer,  
Labour Court-II.

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**Department of Panchayati Raj and  
Community Development**

Directorate of Panchayats

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1783

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 16-03-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3
1	Village Panchayat Curti-Candepar, Ponda-Goa.	Hussain Mahamad Mulla Mujawar, H. No. 23, Nagamasjid Curti, Ponda-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1784

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 17-03-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3
1	Village Panchayat Betora-Nirancal- -Conxem-Codar, Ponda-Goa.	Shri Baburao Omu Salelkar, H. No. 138, Talewada, Betora, Ponda-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1785

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the members mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch and Dy. Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 13-04-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch and Dy. Sarpanch
1	2	3

**Sarpanch:**

1	Village Panchayat Bandora, Ponda-Goa.	Shri Prabhakar Rupo Gaude, Tololem, Bandora, Ponda-Goa.
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**Dy. Sarpanch:**

Smt. Savitri Satyawar Naik,  
W. No. 6, Umdir, Bandora,  
Ponda-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

**Notification**

No. 19/12/DP/ELEC/RES/PUBL/07/1786

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the members mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch and Dy. Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 03-04-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch and Dy. Sarpanch
1	2	3

**Sarpanch:**

1	Village Panchayat Taleigao, Tiswadi-Goa.	Ms. Jennifer Atanasio Monserrate, H. No. 167, Galli, Taleigao-Goa.
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**Dy. Sarpanch:**

Shri Prakash Usno Naik,  
Durgawadi, Taleigao-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

**Notification**

No. 19/12/DP/ELEC/RES/PUBL/07/1787

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of

1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 15-04-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3

1	Village Panchayat Merces, Tiswadi-Goa.	Smt. Venita N. Gracias, F/7, Entico Apts., Butlembhat, Tiswadi-Goa.
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*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

**Notification**

No. 19/12/DP/ELEC/RES/PUBL/07/1788

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 09-03-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3

1	Village Panchayat Arambol, Pernem-Goa.	Shri Sudhir Tukaram Naik, Deulwada, Arambol, Pernem-Goa.
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*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

**Notification**

No. 19/12/DP/ELEC/RES/PUBL/07/1789

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected

as Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 23-03-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3
1	Village Panchayat Cansarvornem, Pernem-Goa.	Shri Rajendra Narayan Shetkar, Bodgul, Cansarvornem, Pernem-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1790

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 15-04-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3
1	Village Panchayat Molem, Sanguem-Goa.	Shri Govind Kusta Gaonkar, H. No. 214, Borkatten, Molem, Sanguem-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1791

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the

corresponding entry No. 2 of the said schedule in the meeting held on 30-03-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3
1	Village Panchayat Socorro, Bardez-Goa.	Smt. Shital S. Arolkar, R/o Ward No. IX, Alto, Porvorim, Bardez-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1792

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Dy. Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 23-03-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Dy. Sarpanch
1	2	3
1	Village Panchayat Penha-de-France, Bardez-Goa.	Smt. Vishranti R. Dessai, Nr. Mansukh Appt., Alto, Porvorim, Bardez-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1793

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the

corresponding entry No. 2 of the said schedule in the meeting held on 03-04-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3
1	Village Panchayat Navelim, Bicholim-Goa.	Shri Rohidas H. Kansekar, H. No. 211/1, Phanaswadi, W. No. VII, Navelim, Bicholim-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1794

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Dy. Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 25-03-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Dy. Sarpanch
1	2	3
1	Village Panchayat Rundamol-Davorlim, Salcete-Goa.	Shri Damodar Babuso Naik, H. No. EWS/630, Rundamol, Davorlim, Salcete-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Notification

No. 19/12/DP/ELEC/RES/PUBL/07/1795

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in the column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the

corresponding entry No. 2 of the said schedule in the meeting held on 06-04-2009.

## SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of Sarpanch
1	2	3
1	Village Panchayat Loutulim, Salcete-Goa.	Shri Jose Caetano Fernandes, H. No. 300, Carvato, Loutulim, Salcete-Goa.

*Menino D'Souza*, Director of Panchayats.

Panaji, 4th May, 2009.

## Department of Personnel

## Order

No. 5/4/2002-PER

Government is pleased to accept the Notice of Voluntary retirement given by Shri C. D. Gaude, Junior Scale Officer of Goa Civil Service, under Rule 48-A of Central Civil Services (Pension) Rules, 1972 vide his application dated 02-02-2009.

Shri Gaude stands relieved from Government Service from 4th May, 2009 forenoon.

By order and in the name of the Governor of Goa.

*Umeshchandra L. Joshi*, Under Secretary (Personnel-I).

Porvorim, 4th May, 2009.

## Department of Planning

Directorate of Planning, Statistics & Evaluation

## Corrigendum

No. 4-2-07-PLG(DPSE)/160

Read: Order No. 4-2-07-PLG(DPSE) dated 20-02-2009.

In the above-mentioned order the pay scale of Rs. 8,000-275-13,500 (pre-revised) may be read

as "Pay Band-2 Rs. 9,300-34,800+Grade pay of Rs. 5,400."

*Anand Sherkhane*, Director & ex officio Joint Secretary (Planning).

Paraji, 28th April, 2009.

## Department of Public Health

### Order

No. 45/1/2008-I/PHD

Read: Order No. 45/1/2008-I/PHD dated 02-04-2008.

Government is pleased to extend the contractual appointment of following doctors under Directorate of Health Services for a further period of one year or till the post is filled on regular basis whichever is earlier.

They shall be paid monthly emoluments of Rs. 25,000/- (Rupees Twenty five thousand only) per month. Their appointment shall be subject to the terms and conditions contained in their earlier agreement executed by them with the Government.

Sr. No.	Name & designation of Doctor	Present place of posting	Contractual appointment extended w.e.f.
1	2	3	4
1	Dr. Rahul P. Borkar, Junior Surgeon	Community Health Centre, Canacona	08-04-2009
2	Dr. Terrence D'Costa, Junior Physician	Community Health Centre, Ponda	11-04-2009

By order and in the name of the Governor of Goa.

*Maria J. R. Pires*, Under Secretary (Health-II).

Porvorim, 28th April, 2009.

## Department of Revenue

### Notification

No. 23/30/2008-RD

Whereas by Government Notification No. 23/30/2008-RD dated 31-07-2008 published on pages

498-499 of Series II No. 19 of the Official Gazette, dated 07-08-2008 and in two newspapers (1) "Tarun Bharat" dated 02-08-2008 (2) "Goa Doot" dated 02-08-2008, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for construction of residential colony for Airport Authority of India at Dabolim Village of Mormugao Taluka.

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares, under Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under Clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Mopa Airport Cell, Junta House, 2nd Lift, 4th Floor, Paraji-Goa, to perform the functions of a Collector, for all proceedings hereinafter to be taken in respect of the said land, and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said, the Special Land Acquisition Officer, Mopa Airport Cell, Junta House, 2nd Lift, 4th Floor, Paraji-Goa till the award is made under Section 11.

### SCHEDULE

(Description of the said land)

**Taluka:** Mormugao

**Village:** Dabolim

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3
41/3	O: 1 Comunidade of Sancoale.	17320
	2 Domingos A. B. Vales and Greeta Monica Vales.	

1	2	3
<b>Boundaries :</b>		
North : Road.		
South : Village Sancoale.		
East : S. No. 41/3.		
West : S. No. 41/3.		
		Total: 17320

By order and in the name of the Governor of Goa.

*D. M. Redkar*, Under Secretary (Revenue-I/II).

Porvorim, 30th April, 2009.



### Notification

No. 24/2/87-RD

Read: Notification No. 24/2/87-RD dated 29-03-2004.

In supersession to the Notification referred to above and in exercise of the powers conferred by Section 3 of the Goa Public Premises (Eviction of Unauthorized Occupants) Act, 1988 (Goa Act 22 of 1988) (hereinafter called "the said Act") and not withstanding anything contained in the

Government Notification of even number dated 29-03-2004, the Government of Goa hereby appoint the General Manager (Fin.) mentioned in column 2 of the schedule hereto be Estate Officer for the purpose of the said Act, in respect of the public premises within the State of Goa and controlled by statutory authorities as specified in the corresponding entry in column 3 of the said schedule.

The Government further directs that cases, if any, in respect of the statutory authority as specified in this Notification are pending before the Estate Officer appointed under the Notification of even number dated 29-03-2004, the same shall be transferred with immediate effect, to the concerned Estate Officer appointed under this Notification.

### SCHEDULE

Sr. No.	Designation of the Officer	Name of the statutory authority
1	2	3
1	General Manager (Fin.)	Goa Tourism Development Corporation, Panaji.

By order and in the name of the Governor of Goa.

*D. M. Redkar*, Under Secretary (Revenue-I).

Porvorim, 7th May, 2009.